

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

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**NOTICE OF MOOTNESS OF DEFENDANT IMAGEWARE'S
PENDING MOTION TO DISMISS (DKT. 539)**

Plaintiff Blue Spike, LLC hereby provides notice to the Court that Defendant ImageWare Systems, Inc.'s Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. 327; re-filed as 539) is moot in light of Blue Spike filing a First Amended Complaint (Dkt. 919) against the Defendant.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this day.

/s/ Randall T. Garteiser
Randall T. Garteiser